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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,086	03/31/2004	Heinrich Roder	130229-02	7307

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EXAMINER

FERGUSON, MICHAEL P

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 09/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/814,086	Applicant(s) RODER ET AL.	
	Examiner Michael P. Ferguson	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date, _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 9-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 (lines 1-5) recites "A ceiling-mounted medical supply unit having a locking device... , the locking device comprising". Claim 9 fails to positively claim any structural elements which define the medical supply unit, other than the locking device. Accordingly, one is unable to determine what structural elements constitute a "ceiling mounted medical supply unit"; thus one is unable to determine the metes and bounds of such claim. Claims 10-17 depend from claim 9 and are likewise rejected.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Mefferd (US 5,269,572).

As to claim 1, Mefferd discloses a locking device for vertical connection of an upper connection component **12**, that comprises an upper engaging section, to a lower

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connection component **14**, that comprises a lower engaging section, the locking device comprising two shell segments **86,88** each of which only partially extends around opposite vertical sides of the connection from the outside and in a horizontal direction, with the shell segments comprising upper and lower terminal edges **92,94** at a respective axial end of the shell segment adjacent to each of which is provided upper and lower engaging sections **92,94** facing upper and lower engaging sections **30,32** of the upper and lower connection components so that, should the connection of the two connection components come apart, the upper engaging section of the shell segments is supported against the upper engaging sections provided at the upper connection component, while the lower engaging section of the shell segments holds the lower engaging sections of the lower connection component (Figures 2 and 3).

As to claim 2, Mefferd discloses a locking device further comprising an upper and a lower washer **30,32** each being assembled of first and second washer segments, the washers being configured so that each can be pushed onto the connection from the outside and in horizontal direction, whereby, when installed, the upper washer **30** is fixed to the upper connection component **12** and the lower washer **32** to the lower connection component **14**, whereby upper and lower engaging sections **66,68** are each formed on the respective washer segments (Figure 2).

As to claim 3, Mefferd discloses a locking device wherein the shell segments **86,88** are connected to each other in the installed state (Figure 2).

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As to claim 4, Mefferd discloses a locking device wherein the engaging sections **66,68** of each shell segment **86,88** are each formed by a projection that is formed from the upper or lower edge at an essentially right angle (Figure 2).

The applicant is reminded that patentability determination of product-by-process claims is based on the product itself, even though such claims are limited and defined by the process. See MPEP § 2113. "The patentability of a product does not depend on its method of production. " In re Thorpe, 777 F.2d 695,698,USPQ 964,966 (Fed.Cir.1985).

As to claim 5, Mefferd discloses a locking device wherein the engaging section of each washer segment **30,32** is formed by a projection **66,68** protruding from the outer perimeter of the washer segment (Figure 2).

As to claim 6, Mefferd discloses a locking device wherein the projection **66,68** protruding from the outer perimeter is stepped (Figure 2).

As to claim 7, Mefferd discloses a locking device wherein the engaging sections **92,94** of each shell segment **86,88** extend along the entire upper or lower edge (Figure 2).

As to claim 8, Mefferd discloses a locking device wherein the engaging section **66,68** of each washer segment **30,32** extends along the entire outer perimeter (Figure 2).

As to claim 9, Mefferd discloses a supply unit having a locking device for vertical connection of an upper connection component **12**, that comprises an upper engaging section, to a lower connection component **14**, that comprises a lower engaging section,

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the locking device comprising two shell segments **86,88** each of which only partially extends around opposite vertical sides of the connection from the outside and in a horizontal direction, with the shell segments comprising upper and lower terminal edges **92,94** at a respective axial end of the shell segment adjacent to each of which is provided upper and lower engaging sections **92,94** facing upper and lower engaging sections **30,32** of the upper and lower connection components so that, should the connection of the two connection components come apart, the upper engaging section of the shell segments is supported against the upper engaging sections provided at the upper connection component, while the lower engaging section of the shell segments holds the lower engaging sections of the lower connection component (Figures 2 and 3).

As to claim 10, Mefferd discloses a supply unit further comprising an upper and a lower washer **30,32** each being assembled of first and second washer segments, the washers being configured so that each can be pushed onto the connection from the outside and in horizontal direction, whereby, when installed, the upper washer **30** is fixed to the upper connection component **12** and the lower washer **32** to the lower connection component **14**, whereby upper and lower engaging sections **66,68** are each formed on the respective washer segments (Figure 2).

As to claim 11, Mefferd discloses a supply unit wherein the shell segments **86,88** are connected to each other in the installed state (Figure 2).

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As to claim 12, Mefferd discloses a supply unit wherein the engaging sections **66,68** of each shell segment **86,88** are each formed by a projection that is formed from the upper or lower edge at an essentially right angle (Figure 2).

The applicant is reminded that patentability determination of product-by-process claims is based on the product itself, even though such claims are limited and defined by the process. See MPEP § 2113. "The patentability of a product does not depend on its method of production. " In re Thorpe, 777 F.2d 695,698,USPQ 964,966 (Fed.Cir.1985).

As to claim 13, Mefferd discloses a supply unit wherein the engaging section of each washer segment **30,32** is formed by a projection **66,68** protruding from the outer perimeter of the washer segment (Figure 2).

As to claim 14, Mefferd discloses a supply unit wherein the projection **66,68** protruding from the outer perimeter is stepped (Figure 2).

As to claim 15, Mefferd discloses a supply unit wherein the engaging sections **92,94** of each shell segment **86,88** extend along the entire upper or lower edge (Figure 2).

As to claim 16, Mefferd discloses a supply unit wherein the engaging section **66,68** of each washer segment **30,32** extends along the entire outer perimeter (Figure 2).

As to claim 17, Mefferd discloses a supply unit wherein an axial passageway is provided within the locking device capable of routing supply lines therethrough (Figure 3).

Response to Arguments

5. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. The newly added limitations of "the shell segments comprising upper and lower *terminal axial edges*... of which are provided upper and lower engaging sections" in claim 1 (lines 5), and "A ceiling-mounted medical supply unit" in claim 9 (line 1) necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (8:00-5:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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08/23/06



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